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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			CHANG, SHIRLEY	
2101 L Street, NW			ART UNIT	
Washington, DC 20037			PAPER NUMBER	
			2614	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/940,789	ARITA ET AL.	
	Examiner	Art Unit	
	Shirley Chang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/29/01</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim(s) 20 and 41 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Matheny et al. (6766524).

As to claim 20, Matheny discloses:

An information service system comprising: a file which stores individual audience result information generated as a result of a media program/programs watched by each of individual persons or which stores individual interest information generated on the basis of said individual audience result information ([3, 6-14]; [4, 7-14]; log file 271, fig. 2; [3, 56-67]);

wherein said individual audience result information is inputted from corresponding one of information supply terminals existing on a network, or said individual interest

information is generated on the basis of said individual audience result information inputted from said information supply terminal ([3, 8-55]);

wherein a predetermined point/points are operated correspondingly to contents stored in said file so that said point/points are awarded to said individual person on the basis of said operation ([3, 6-14]; [4, 7-14]).

As to claim 41,

collecting, from individual persons who watch media programs, information about the watched media programs; performing file management on a file of said collected information including at least individual interest information; and awarding a predetermined point/points to each of said individual persons in accordance with the collected information (the limitations are included and met as previously discussed in claim 1).

2. Claim(s) 31-33 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Arai et al. (6486920).

As to claim 31,

Arai et al. disclose:

An information supply terminal comprising: an individual identification portion for identifying an individual person ([8, 50-65] since a 'personalized program' exists, an 'individual identification portion' effectively exists, in order to identify or create a "personalized program").

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a channel selection information input device for inputting channel selection information through a media program receiver by which said individual person can watch a desired media program voluntarily when said individual person selects a channel (remote controller 9; [10, 39-67]);

an information generator for generating individual audience result information on the basis of an individual identification result and said channel selection information or for generating individual interest information on the basis of said individual audience result information (fig. 1, program information search section; 'the program information search section 4 produces personalized program information comprising the selected programs' [8, 50-65]);

a transmitter for transmitting at least one of said individual audience result information or said individual interest information to said information service system (fig. 1, [8, 50-67]).

As to claim 32,

Arai et al. disclose:

an information supply terminal comprising: an individual identification means for identifying an individual person ([8, 50-65] since a 'personalized program' exists, an 'individual person' effectively exists).

a channel selection information input means for inputting channel selection information through a media program receiver by which said individual person can watch a desired

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media program voluntarily when said individual person selects a channel (remote controller 9; [10, 39-67]);

an audience result information generating means for generating individual audience result information on the basis of an individual identification result and said channel selection information ([10, 6-32]);

an interest information generating means for generating individual interest information on the basis of said individual audience result information (fig. 1, program information search section; 'the program information search section 4 produces personalized program information comprising the selected programs' [8, 50-65]);

an information transmission means for transmitting at least one of said individual audience result information or said individual interest information to said information service system (fig. 1, [8, 50-67]).

As to claim 33, Arai discloses:

said information supply terminal has a configuration so that said interest information generating means generates said individual interest information, on the basis of said individual audience result information, by searching a media program category storage means in which a category of said media program is stored in association with said media program (fig. 1, elements 2, 3, 4, and 5; [8, 50-65]; [10, 6-32]).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim(s) 21-30, and 42 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai et al. (6486920) in view of Matheny et al. (6766524).

As to claim 21,

Arai discloses:

An information service system: a file which stores individual audience result information generated as a result of a media program/programs watched by each of individual persons (fig. 2, program information storing section 2, [8, 50-65]);

wherein said individual audience result information is inputted from corresponding one of information supply terminals existing on a network ([10, 6-32]); fig. 1, elements 3 and 4);

However, Arai does not specifically disclose: wherein a predetermined point/points are operated correspondingly to said inputted individual audience result information and said inputted individual interest information so that said operated point/points are awarded to said individual person.

Matheny teaches:

wherein a predetermined point/points are operated correspondingly to said inputted individual audience result information and said inputted individual interest information so that said operated point/points are awarded to said individual person ([3, 6-14]; [4, 7-14]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai with Matheny so as to utilize 'a means of encouraging viewers to watch commercials' [1, 52-62].

As to claim 22,

Arai discloses: at least one of an interest information generating means and an interest information input means, said interest information generating means being designed so that individual audience result information generated as results of media programs watched by said individual persons is inputted from information supply terminals existing on said network and individual interest information is generated on the basis of said individual audience result information, said interest information input means being designed so that said individual interest information generated as said results of media programs watched by said individual persons is inputted from said information supply terminals ([10, 6-32]);

a file managing means for managing a file of at least said individual interest information (fig. 2, program information storing section 2, [8, 50-65]);

However, Arai does not specifically disclose: an information service system in which information is collected, on a predetermined network, from individual persons who watch media programs and points are awarded to the individual persons in accordance

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with the collected information; and a first point-awarding means for awarding a predetermined point/points to each of said individual persons correspondingly to said inputted individual audience result information or said inputted individual interest information.

Matheny teaches:

an information service system in which information is collected, on a predetermined network, from individual persons who watch media programs and points are awarded to the individual persons in accordance with the collected information ([3, 6-14]; [4, 7-14]), a first point-awarding means for awarding a predetermined point/points to each of said individual persons correspondingly to said inputted individual audience result information or said inputted individual interest information ([3, 6-14]; [4, 7-14]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai with Matheny so as to utilize 'a means of encouraging viewers to watch commercials' [1, 52-62].

As to claim 23,

Arai discloses:

a browse request responding means for allowing browse of said file in response to a browse request made by each of information-using terminals existing on said network (fig. 11; [11, 53-61]);

a charging information generation means for generating_charging informati for each of information users who has browsed said file (fig. 3, [8, 50-65]).

As to claim 24,

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Arai discloses: a personal data input means for inputting, as personal data, information about a media program/programs watched by each of said individual persons, from corresponding one of said information supply terminals ([10, 6-32]);

Matheny teaches: a second point-awarding means for awarding a predetermined point/points to said individual person correspondingly to contents of said inputted personal data ([5, 50-63]).

As to claim 25,

Arai discloses: said system has a configuration so that said individual interest information is generated on the basis of said individual audience result information by searching a media program category storage means in which a category of each media program is stored in association with said media program (fig. 1, elements 2, 3, 4, and 5; [8, 50-65]; [10, 6-32]).

As to claim 26,

Arai discloses: an audience result information aggregating means for aggregating said inputted individual audience result information (fig. 2, elements 220, 280; [4, 7-14]).

As to claim 27,

Matheny teaches: an information output means for outputting at least one of said inputted information and information derived from said inputted information to said information-using terminals existing on said network (fig. 2; [3, 55-67] to [4, 14]).

As to claim 28,

Matheny teaches: a third point-awarding means for awarding a predetermined point/points to each of said individual persons in accordance with a point-award instruction from each of said information-using terminals ([3, 6-55]; [4, 7-14]).

As to claim 29,

Arai discloses: said system has a configuration so that the point award is performed electronically on said network (the system is an 'electronic network'; fig. 2).

As to claim 30,

Matheny teaches: a distribution information input means for receiving, from each of said information-using terminals, distribution information produced by corresponding one of said information users for a purpose of distributing said distribution information to said individual persons(fig. 2; elements 220, 280, 215);

a distribution destination list input means for receiving, from said information-using terminal, a distribution destination list of said distribution information produced by said corresponding information user on the basis of at least said individual interest information (fig. 2; [4, 7-14]; [6, 40-46]; [7, 19-30]);

a distribution means for distributing said distribution information on the basis of said distribution destination list (fig. 2, network connection 225).

As to claim 42,

Arai discloses:

Wherein said computer identifies an individual person ([8, 50-65] since a 'personalized program' exists, an 'individual identification portion' effectively exists, in order to identify or create a "personalized program").

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inputs channel selection information through a media program receiver by which said individual person can watch a desired media program voluntarily if said individual person selects a channel (remote controller 9; [10, 39-67]);

generates individual audience result information on the basis of an individual identification result and said channel selection information ([10, 6-32]);

generates individual interest information on the basis of said individual audience result information [8, 50-65]);

However, Arai does not specifically disclose: A program for use in an information supply terminal, comprising a computer, in order to make the information supply terminal capable of being used in an information service system in which information is collected, on a predetermined network, from individual persons who watch media programs, and points are awarded to said individual persons in accordance with the collected information; transmits at least one of said individual audience result information and said individual interest information to an information collecting server provided in said information service system.

Matheny teaches:

A program for use in an information supply terminal, comprising a computer, in order to make the information supply terminal capable of being used in an information service system in which information is collected, on a predetermined network, from individual persons who watch media programs, and points are awarded to said individual persons in accordance with the collected information ([3, 6-14]; [4, 7-14]; set-top box 245 is a 'computer');

transmits at least one of said individual audience result information and said individual interest information to an information collecting server provided in said information service system (fig. 2).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai with Matheny so as to utilize 'a means of encouraging viewers to watch commercials' [1, 52-62].

4. Claim(s) 34, 35, 36, 39, and 40 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai et al. (6486920) in view of Eldering et al. (6457010).

As to claim 34,

Arai discloses:

whereby said information supply terminal has a configuration so that said interest information generating means generates said individual interest information ([10, 1-32]).

However, Arai does not specifically disclose: a text input means for inputting a text of said media program and a context comprehension means for performing context comprehension of said an interest information extracting means for extracting interest information on the basis of said context comprehension.

However, Eldering discloses:

said interest information generating means includes: a text input means for inputting a text of said media; a context comprehension means for performing context comprehension of said an interest information extracting means for extracting interest information on the basis of said context comprehension ('the source related text 136 is

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the closed captioning text. Such closed captioning text can be stored in memory for processing to extract the program characteristic vectors 150' [5, 63-67]; [4, 34-51]); (fig. 1, elements 3 and 4);

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai with Eldering et al. as to utilize a 'source related textual information' in order to generate a subscriber profile [5, 35-46].

As to claim 35,

Arai discloses: an interest information extracting means for extracting interest information on the basis of said context comprehension; whereby said information supply terminal has a configuration so that said interest information generating means generates said individual interest information (met as previously discussed in claim 10). However, Arai does not specifically disclose: a voice input means for inputting a voice of said media program; a textualization means for textualizing said inputted voice as a text; a context comprehension means for performing context comprehension of said text.

Eldering teaches:

a voice input means for inputting a voice of said media program; a textualization means for textualizing said inputted voice as a text; a context comprehension means for performing context comprehension of said text ('the source related text 136 is the closed captioning text. Such closed captioning text can be stored in memory for processing to extract the program characteristic vectors 150' [5, 63-67]; [4, 34-51]);

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai with Eldering et al. as to utilize a 'source related textual information' in order to generate a subscriber profile [5, 35-46].

As to claim 36,

Arai discloses: a signal conversion means for converting said individual interest information into a signal which can be displayed on a monitor of said media program receiver ([10, 1-32]; figs. 4, 6, and 9).

As to claim 39,

Arai discloses: an information supply terminal, comprising a configuration to extract interest information on the basis of said context comprehension, to generate individual interest information on the basis of an individual identification result and said interest information (fig. 1, program information search section; 'the program information search section 4 produces personalized program information comprising the selected programs' [8, 50-65]);

an individual identification means for identifying an individual person ([8, 50-65] since a 'personalized program' exists, an 'individual person' effectively exists).

to transmit said individual interest information to said information service system (fig. 1, [8, 50-67]).

However, Arai does not specifically disclose a voice data input device for inputting at least voice data through a media program receiver by which a desired media program can be watched voluntarily if said individual person selects a channel; wherein said

information supply terminal has a configuration to perform context comprehension of said voice data,

Arai does not specifically disclose: a voice data input device for inputting at least voice data through a media program receiver by which a desired media program can be watched voluntarily if said individual person selects a channel; wherein said information supply terminal has a configuration to perform context comprehension of said voice data,

However, Eldering et al. teaches: a voice data input device for inputting at least voice data through a media program receiver by which a desired media program can be watched voluntarily if said individual person selects a channel; wherein said information supply terminal has a configuration to perform context comprehension of said voice data ('the source related text 136 is the closed captioning text. Such closed captioning text can be stored in memory for processing to extract the program characteristic vectors 150' [5, 63-67]; [4, 34-51]);

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai with Eldering, so as to utilize a 'source related textual information' in order to generate a subscriber profile [5, 35-46].

As to claim 40,

Arai discloses: an information supply terminal an interest information extracting means for extracting interest information on the basis of said context comprehension; an individual interest information generating means for generating individual interest information on the basis of an individual identification result and said interest information

(fig. 1, program information search section; 'the program information search section 4 produces personalized program information comprising the selected programs' [8, 50-65]);

an individual identification means for identifying an individual person ([8, 50-65] since a 'personalized program' exists, an 'individual person' effectively exists).

And an information transmission means for transmitting said individual interest information to said information service system (fig. 1, [8, 50-67]).

However, Arai does not specifically disclose: a voice data input means for inputting at least voice data through a media program receiver by which a desired media program can be watched voluntarily if said individual person selects a channel; a context comprehension means for performing context comprehension of said voice data; an individual identification means for identifying an individual person; a voice data input means for inputting at least voice data through a media program receiver by which a desired media program can be watched voluntarily if said individual person selects a channel; a context comprehension means for performing context comprehension of said voice data.

However, Eldering teaches: a voice data input means for inputting at least voice data through a media program receiver by which a desired media program can be watched voluntarily if said individual person selects a channel; a context comprehension means for performing context comprehension of said

voice data ('the source related text 136 is the closed captioning text. Such closed captioning text can be stored in memory for processing to extract the program characteristic vectors 150' [5, 63-67]; [4, 34-51]);

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai with Eldering so as to utilize a 'source related textual information' in order to generate a subscriber profile [5, 35-46].

5. Claim(s) 37 and 38 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai et al. (6486920), in view of Eldering et al. (6457010), and in further view of Matheny (6766524).

As to claim 37.

Arai in view of Eldering does not specifically disclose 'a point receiving means for receiving a point/points when said point/points are awarded on said network.'

However, Matheny discloses: a point receiving means for receiving a point/points when said point/points are awarded on said network (server 220, set-top box 245).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai in view of Eldering with Matheny so as to utilize 'a means of encouraging viewers to watch commercials' [1, 52-62].

As to claim 38,

Arai discloses: said information supply terminal is integrally configured with a television set, a personal computer, or a mobile apparatus each of which serves as said media program receiver (TV 10).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.


- Thomas (5481294) is directed toward an audience measurement system utilizing ancillary codes and passive signatures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC


PATENT EXAMINER
AU 2614